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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,448	12/12/2003	Junya Maruyama	0756-7228	1436

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EXAMINER

DANG, PHUC T

ART UNIT PAPER NUMBER

2818

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/733,448

Applicant(s)

MARUYAMA ET AL.

Examiner

PHUC T. DANG

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5-8, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 2, 4 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 121203.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Election/Restrictions

1. Applicant's election filed on March 3, 2005 has been acknowledged.
In election, Applicants elected Group I (claims 1-9 and 17-18) and canceled claims 10-16.
2. Claims 1-9 and 17-18 are currently pending in the application.

Oath/Declaration

3. The oath/declaration filed on December 12, 2003 is acceptable.

Priority

4. Acknowledgment is made of applicant's claim for foreign priority based on an application filed on 12/13/2002. It is noted, however, that applicant has not filed a certified copy of the application No. 2002-362352 as required by 35 U.S.C. 119(b).

Information Disclosure Statement

5. The office acknowledges receipt of the following items from the applicant:
Information Disclosure Statement (IDS) filed on December 12, 2003.

Specification

6. The specification has been checked to the extent necessary to determine the presence of all possible minor errors. However, the applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3, 5, 6-8 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishi et al., herinafter "Nishi" (U.S. Publication No. US 2004/0004434 A1).

Regarding claims 1, 7, and 17-18, Nishi discloses a manufacturing method of a light emitting device including a pixel portion provided with a plurality of light emitting elements having a first electrode, an organic compound layer in contact with a top portion of the first electrode, and a second electrode in contact with a top portion of the organic compound layer, between a pair of substrates, at least one of which is transparent, the manufacturing method of a light emitting device comprising the steps of:

forming a pixel portion (23, Fig. 2B) over one of the substrates; figuring a first sealing material (24, Fig. 2B) having a bar shape (Fig. 2B) on the other substrate;

applying a second sealing material (27b, Fig. 2B) having lower viscosity than the first sealing material to a region surrounded by the first sealing material so that a second sealing material differs depending on a region to be applied to [0018] page 1]; and

pasting the pair of substrates so that the first sealing material(24, Fig. 2B) is arranged to surround the pixel region (23, Fig. 2B), and a space between at least a pair of the first sealing materials (24, Fig. 2B) is filled with the second sealing material (27b, Fig. 2B) [0018] page 1+.

Nishi discloses all the features of the claimed invention as discussed above, but does not disclose a step of applying a plurality of drops of a second sealing material in the process.

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Applying a plurality of drops of a second sealing material in the process is considered to be obvious in design of choice, since any drop of sealing material can inject in any region on the substrate as required in the process. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching of Nishi as taught by the above teaching for a purpose of improving the light emitting device in the process.

Regarding claim 3, Nishi discloses the first sealing material has opening portions at least at four corners [Figs. 2A-2B]. Regarding claim 5, Nishi discloses the second sealing material is exposed at the opening portion, and a peripheral border of the exposed second sealing material is curved [[0034] page 2 & Figs. 1A-1C]. Regarding claim 6, Nishi discloses the second sealing material is exposed at the opening portion, and peripheral border of the exposed second sealing material protrudes from the opening portion [[0034] page 2 & Fig. 1A].

Regarding claim 8, Nishi discloses the curing of the first sealing material and the second sealing material is performed by exposure to ultraviolet radiation or by heat [[0063] page 4].

Allowable Subject Matter

8. The following is a statement of reason for the indication of allowable subject matter:

Claims 2, 4 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

None of the Prior Art made of record discloses the second sealing material is applied at least to a central part of a pixel portion and to a position surrounding the central part with a constant distance therefrom; and an amount of the second sealing material applied to the central

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pad is larger than an amount applied to the position surrounding the central pad as cited in claim 2 and the first sealing material includes a spacer for maintaining a gap between a pair of substrates as cited in claim 4 and a pair of the substrates is divided vertically to the first sealing material after curing the first sealing material and the second sealing material as cited in claim 9.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuc T. Dang whose telephone number is (571) 272-1776. The examiner can normally be reached on 8:00 am-5:00 pm.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David C. Nelms can be reached on (571) 272-1787. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and After Final communications.

11. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Phuc T. Dang

PD



Primary Examiner

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